

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION-DETROIT**

**IN RE:**

**BRAD CHATFIELD  
JILL CHATFIELD,**

**Debtors.**

**Case No. 08-66346-TJT  
Judge Thomas J. Tucker  
Chapter 13**

**ORDER DENYING, WITHOUT PREJUDICE, DEBTORS' "EX-PARTE MOTION FOR  
SHORTENED TIME FOR NOTICE AND REQUIREMENT OF WRITTEN RESPONSE  
TO DEBTORS' MOTION TO ALLOW DEBTOR TO MODIFY MORTGAGE WITH  
CREDITOR, WELLS FARGO HOME MORTGAGE" (DOCKET # 57)**

This case is before the Court on the Debtors' "Ex-Parte Motion for Shortened Time for Notice and Requirement of Written Response to Debtors' Motion to Allow Debtor to Modify Mortgage with Creditor, Wells Fargo Home Mortgage" (Docket # 57, the "Ex Parte Motion"). The Court concludes that the Ex Parte Motion must be denied, because the relief sought by the underlying motion (Docket # 56) must be sought by a plan modification, not by motion. This is so even though the Debtors' payment on the mortgage debt at issue is a direct payment under the confirmed plan. What Debtors propose is in effect a modification of the treatment of Wells Fargo's mortgage claim in Class 2 of Debtors' confirmed plan (Docket ## 2, 38). As such, a formal plan modification must be filed and served in order to obtain such relief. Accordingly,

**IT IS ORDERED** that the Ex Parte Motion (Docket # 57) is denied.

**IT IS FURTHER ORDERED** that this Order is without prejudice to Debtors' right to file a proposed plan modification, and then a motion requesting either an expedited hearing or that the notice and objection period on that plan modification be shortened.

Signed on September 25, 2009

/s/ Thomas J. Tucker

Thomas J. Tucker

United States Bankruptcy Judge